

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

Return Date: July 16, 2019
Time: 10:00 a.m.

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In re:

CECIL HAYNES

Chapter 13
Case No.: 118-44538-608

Debtor(s)

NOTICE OF MOTION

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SIRS / MADAMS:

PLEASE TAKE NOTICE, that MICHAEL J. MACCO, Chapter 13 Trustee of the above captioned estate, will move before the Honorable Carla E. Craig, United States Bankruptcy Judge, on the 16th day of JULY, 2019 at 10:00AM, at the United States Bankruptcy Court located at 271 Cadman Plaza East – Courtroom 3529, Brooklyn, New York 11201, for an Order pursuant to 11 U.S.C. §109(e), dismissing this case, by reason of the debtor(s)' ineligibility to be debtor(s) under Chapter 13 of the Code, and for such other and further relief as this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE, that answering papers, if any, shall be filed with the Court and served on the undersigned no later than seven (7) days prior to the return date of this motion.

Dated: Islandia, New York
June 11, 2019

Yours, etc.

MICHAEL J. MACCO
Chapter 13 Trustee
2950 Express Drive South, Suite 109
Islandia, New York 11749
(631) 549-7900

To: *Office of the United States Trustee*
Cecil Haynes
Hanin R. Shadood, Esq., Attorney for Debtor(s)
U.S. Bank NA, Creditor

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

Chapter 13

CECIL HAYNES

Case No.: 118-44538-608

Debtor(s)

APPLICATION

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TO THE HONORABLE CARLA E. CRAIG, UNITED STATES BANKRUPTCY JUDGE:

MICHAEL J. MACCO, Chapter 13 Trustee of the above captioned estate, respectfully represents, as follows:

1. The debtor(s) filed a petition under the provisions of 11 U.S.C. Chapter 13 on August 4, 2019, and thereafter MICHAEL J. MACCO was duly appointed and has qualified as Trustee.

2. Section 109(e) of the Bankruptcy Code, clearly states as follows:

“Only an individual with regular income that owes, on the date of filing of the petition, noncontingent, liquidated, unsecured debts of less than \$394,725 noncontingent, liquidated, secured debts of less than \$1,184,200, [...] may be a debtor under chapter 13 of this title.”

3. According to the claims register, the total secured claims filed is \$1,311,197.41.

4. Therefore, the debtor(s) is ineligible to be a debtor under Chapter 13.

5. This is a material default and is prejudicial to the rights of the creditors of the debtor(s).

WHEREFORE, the Trustee requests for an Order pursuant to the provisions of 11 U.S.C. §§109(e), dismissing this case, and for such other and further relief as this Court deems just and proper.

Dated: Islandia, New York
June 11, 2019

/s/ Michael J. Macco

Michael J. Macco, Chapter 13 Trustee
2950 Express Drive South, Suite 109
Islandia, New York 11749
(631) 549-7900

STATE OF NEW YORK)
COUNTY OF SUFFOLK) ss.:

LONI BRAGIN, being duly sworn deposes and says: deponent is not a party to this action, is over 18 years of age and resides in Suffolk County, New York.

On June 11, 2019, deponent served the within:

NOTICE OF MOTION AND APPLICATION

upon the following parties, at the addresses designated by said parties for that purpose, by depositing a true copy of same, enclosed in a post-paid, properly addressed wrapper in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York:

*Cecil Haynes
846 Clarkson Avenue
Brooklyn, NY 11234*

*U.S. Bank NA
c/o Ras Boriskin, LLC
900 Merchants Concourse, Ste. 310
Westbury, NY 11590*

*U.S. Bank NA
c/o Dorf & Nelson LLP
555 Theodore Fremd Avenue
Rye, NY 10580*

And upon the following parties, by the email-address designated by said parties for that purpose;

Office of the United States Trustee
USTP.Region02.BR.TFRTDR@usdoj.gov

Hanin R. Shadood, Esq.
Attorney for Debtor(s)
Hanin.S@AronowLaw.com

/s/ Loni Bragin
LONI BRAGIN

Sworn to before me this
11th day of JUNE, 2019

/s/ Janine M. Zarrilli
NOTARY PUBLIC
Janine M. Zarrilli
Notary Public, State of New York
No. 01ZA5084708
Qualified in Nassau County
Commission Expires September 8, 2021